



ORIGINAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029



SDMS DocID

2241177

**PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

DEC 30 2011

Mr. Nick Anoia  
Anoia Recycling, LLC  
1040 S. Oceana Boulevard  
Virginia Beach, Virginia 23454-6980

**Re: Overdue Response to Letter Requiring Submission of Information, Oceana  
Salvage Site, Virginia Beach, VA**

Dear Mr. Anoia:

On September 9, 2011, the U.S. Environmental Protection Agency (EPA) issued you a letter (a copy of which is enclosed) requiring you to provide information and/or documents relating to the above-referenced Site, pursuant to Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e)(2). Your response was due within 30 calendar days from your receipt of the letter. Our records indicate that the certified mail receipt card for that letter was signed on September 28, 2011. Accordingly, your response was due on October 28, 2011. In addition, three telephone calls were made from our office to yours on November 18 and 21, 2011 so as to remind you of your legal obligation to respond. To date, however, EPA has not received your response.

You must provide a separate and complete narrative response to each and every question contained in EPA's September 9, 2011 letter, or justify adequately your failure to respond, within seven (7) calendar days of your receipt of this letter. This seven day period, however, is not to be construed as an extension of the original deadline and does not excuse any violation for failure to respond to the initial letter.

**NOTICE OF POTENTIAL ENFORCEMENT ACTION**

EPA hereby advises you that your failure to respond fully and truthfully to each question, or to justify adequately your failure to respond, may subject you to an enforcement action by EPA, pursuant to Section 104(e)(5)(A) of CERCLA, 42 U.S.C. § 9604(e)(5)(A). This section authorizes EPA to issue an order directing compliance with an information request made under the statute "after such notice and opportunity for consultation as is reasonably appropriate under

the circumstances." This letter constitutes such notice.

In addition, Section 104(e)(5)(B) of CERCLA, 42 U.S.C. § 9604(e)(5)(B) and 40 C.F.R. Part 19 allow EPA to seek judicial enforcement of an information request and authorize the federal district courts to assess a civil penalty not to exceed \$32,500 for each day of non-compliance. In recent decisions, courts have assessed significant penalties against parties which had not complied with EPA information requests.

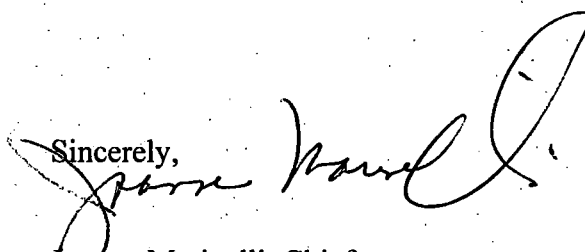
All documents and information should be submitted to:

**Benjamin M. Joseph, 3HS62**  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Be advised that the provision of false, fictitious or fraudulent statements or representations may subject you to criminal sanctions under 18 U.S.C. § 1001.

If you have any questions concerning this matter, please contact Benjamin M. Joseph at (215) 814-3373 or have your attorney contact Thomas Cinti of EPA's Office of Regional Counsel at (215) 814-2634.

Sincerely,



Joanne Marinelli, Chief  
Cost Recovery Branch

Enclosure: Copy of September 9, 2011 104(e) information request letter

cc: Benjamin Joseph (3HS62)  
Racine Davis (3HS62)  
Tom Cinti, Esq.(3RC42)  
Virginia DEQ

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Nick Anoaia  
Anoia Recycling, LLC  
1040 S. Oceana Blvd.  
Virginia Beach, VA 23454-6980

2. Article Number:  
(Transfer from service label)

7003 1680 0005 4384 2481

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Nick Anoaia*☐ Agent  
☐ Addressee

B. Received by (Printed Name)

*NICK ANOIA*

C. Date of Delivery

*9-28-11*D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

SEP - 9 2011

Mr. Nick Anoaia  
Anoaia Recycling, LLC  
1040 S. Oceana Boulevard  
Virginia Beach, Virginia 23454-6980

**Re: Required Submission of Information  
Oceana Salvage Site, Virginia Beach, VA**

Dear Mr. Anoaia:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning a release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Oceana Salvage Site in Virginia Beach, Virginia (hereinafter the "Site" or "Oceana.").

As you are aware, for more than five decades the Site has been operated as an auto salvage and recycling yard. The Virginia Department of Environmental Quality ("VADEQ") referred the Site to EPA for rededication. EPA's sampling found elevated concentrations of lead in the soil as well as in waste piles at the Site. EPA has information indicating that you have conducted business activities at and/or adjacent to the site.

Pursuant to the legal authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require Anoaia Recycling LLC (henceforth "you") to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your agents, which concern, refer or relate to 1) the identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at the Site and 2) your ability to pay for or perform a cleanup at the Site.

An information request letter similar to this one was already sent to you and received by you in recent years (Enclosure 5). EPA has no record of any response from you. Please be advised that Section 104 of CERCLA, 42 U.S.C. Section 9601 (33), authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The



information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Instructions for responding to this required submission of information are provided below.

### INSTRUCTIONS

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure 1, *Business Confidentiality Claims/Disclosure to EPA Contractors & Grantees of Your Response*. You must clearly mark such information by either stamping or using another form of notice that such information is trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of a question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question(s) or subpart of the question(s) to which it responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.

### INFORMATION REQUEST

1. Describe your personal involvement with Oceana. Specifically include:
  - a. any position you have held with Oceana.
  - b. any role(s) you have had in the management of Oceana, including a description of each role and the time held.
  - c. any compensation that you have received or expect to receive from Oceana.
2. Provide copies of any and all lease agreements under which you have operated at the Site.

3. Describe past and present operations of Anolia Recycling, LLC at the Site. Please include:
  - a. the type of work performed;
  - b. any manufacturing and other industrial processes, including lead recovery;
  - c. the types of wastes generated;
  - d. waste disposal practices for each substance;
  - e. the precise locations, on-Site and off-Site, at which hazardous substances were to be treated and/or disposed.
  - f. the dates of operation; and
  - g. all persons responsible for day to day business operations for the duration of the Site's existence. Provide dates of involvement and the details of responsibilities and actions taken.
4. Explain how batteries, battery casings and/or lead, as well as other recyclable metals and any other hazardous substance have come to be stored and/or disposed of at the Site property. Please include the following:
  - a. documentation of such transactions including the dates such hazardous substance(s) were used, generated, purchased, stored, transported, treated, disposed, or otherwise handled. Please provide copies of all sales, inventory, customer records, and business correspondence relating to all hazardous waste(s) including batteries/lead and the identity of any person involved in such transactions;
  - b. the type, size, and condition of the batteries when they arrived at the Site;
  - c. any persons at Anolia Recycling, Oceana Salvage and/or the Department of the Navy with knowledge of such transactions;
  - d. the processes in which the hazardous substance(s) was used, generated, purchased, stored, transported, treated, disposed, or otherwise handled;
  - e. the chemical composition, characteristics, physical state (solid, liquid, or gas) of each such hazardous substance so used, generated, purchased, stored, transported, treated, disposed, or otherwise handled;
  - f. the quantity of each such hazardous substance used, generated, purchased, stored, transported, treated, disposed or otherwise handled;
  - g. the location of all hazardous waste manifests in the possession of Anolia Recycling, LLC; and

- h. the location and contents of any records or documents of Oceana.
5. Describe any actions that have been taken by any party regarding the removal of substances from and/or re-grading or re-covering of the access road leading to the Site (an easement with the Navy).
6. Describe the business relationship, if any, between Oceana and Anoia Recycling, LLC.
7. Explain how and when Anoia Recycling, LLC became the current operator of a business at the Site. Include any statements made to Anoia Recycling, LLC or its agents regarding hazardous waste contamination and/or liability regarding lead or other hazardous contamination of the Site made by the Site owner or Site owner's agent.
8. Describe the arrangement under which Anoia Recycling, LLC has been using the name "Oceana Salvage, Inc." Include in your answer whether permission was granted and whether Anoia Recycling has compensated any party for such use.
9. Identify any assets transferred to you personally or to Anoia Recycling, LLC from Oceana Salvage. Identify the type and value of such assets.
10. Please describe and provide records related to all insurance policies held by you regarding your operations at the Site.
11. Complete the attachment, Enclosure #4, Financial Statement of Corporate Debtor.
12. Provide the name, title, address, and telephone number of any person(s) responding to this request for information on behalf of Anoia Recycling, LLC.
13. Provide the name, title, address, and telephone number of all persons with knowledge, information, or documents responsive to (1) through (12) above or knowledge of any other information which may assist the Agency in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. Include the party's name, address, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

You must respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

All documents and information should be sent to:

Benjamin M. Joseph (3HS62)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street

Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any questions concerning this matter, please contact Benjamin M. Joseph at (215) 814-3373 or have your attorney contact Thomas Cinti of EPA's Office of Regional Counsel at (215) 814-2634.

Sincerely,

Joanne Marinelli, Chief  
Cost Recovery Branch

Enclosures:    Enclosure 1:    Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees

                  Enclosure 2:    Definitions

                  Enclosure 3:    Contractors who may review your response

                  Enclosure 4:    Financial Statement of Corporate Debtor

                  Enclosure 5:    Previous Letters to you from EPA

cc: Benjamin Joseph (3HS62)  
Racine Davis (3HS62)  
Tom Cinti, Esq.(3RC42)  
Virginia DEQ

## **Enclosure 1**

### **Business Confidentiality Claims**

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Section 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using another form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

### **Disclosure Of Your Response to EPA Contractors and Grantees**

EPA may contract with one or more independent contracting firms (See Enclosure 3) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing, and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure 3, you must notify EPA in writing at the time you submit such documents.

## **Enclosure 2**

### **Definitions**

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, interoffice and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous materials, pollutants, and contaminants, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, holding companies.



**Enclosure 3**

**[rev. 6/2011]**

**List of Contractors That May Review Your Response**

**Artic Slope Regional Corporation**

Contract # EP-W-05-052

Subcontractor: Booz-Allen & Hamilton

**Booz-Allen & Hamilton**

Contract # GS-35F-0306J (GSA Schedule)

**CDM-Federal Programs Corporation**

Contract # EP-S3-07-06

Subcontractors: L. Robert Kimball &  
Associates Inc.

Page Technologies Inc.

Avatar Environmental LLC

Terradon Corporation

**Chenega Global Services, LLC**

Contract #EP-S3-09-02

**EA Engineering, Science and Technology,  
Inc.**

Contract #EP-S3-07-07

Subcontractor: URS

**Eisenstein Malanchuck, LLP**

Contract #EP-W-07-079

Subcontractors: R. M. Fields  
International, LLC

James C. Hermann &

Associated

MacRae & Company, Inc.

**Guardian Environmental Services**

Contract # EP-S3-07-02

Subcontractor: Aerotech, Inc.  
Guardian Equipment

**Hydrogeologic (HGL)**

Contract #EP-S3-07-05

Subcontractor: CH2MHill

Sullivan International

**Kemron**

Contract # EP-S3-07-03

Subcontractor: Clean Venture/Cycle Chem  
Inc.

CMC Inc.

Los Alamos Technical

Assoc., Inc.

Carlucci Construction

**Weston Solutions**

Contract #EP-S3-1005

**Tech Law, Inc.**

Contract #EP-S3-1004

**Tetra Tech NUS, Inc.**

Contract #EP-S3-07-04

**WRS Infrastructure & Environment, Inc.**

Contracts # EP-S3-07-01 and #EP-S3-07-09

Subcontractors: AEG Environmental  
Environmental Staffing  
Veolia Environmental  
Services

Lewis Environmental Group

**Industrial Economics, Inc.**

Contract # EP-W-06-092

**Cooperative Agreements**

**National Association of Hispanic Elderly**

#CQ-832815

#CQ-83424401

**National Older Workers Career Center**

#CQ-833987

**FINANCIAL STATEMENT OF CORPORATE DEBTOR**

**Submitted For Government  
Action On Claims Due  
To The United States**

(Use Additional Sheets Where Needed)

1. Name (Debtor) \_\_\_\_\_ Type 1-For Profit ( ) 2-Not for Profit ( )

2. Business Address (Include Street Address if PO Box) \_\_\_\_\_  
\_\_\_\_\_

Note: Attach schedule of all business addresses

3. Foreign \_\_\_\_\_ Domestic \_\_\_\_\_

4. Legal form of business organization during last five (5) years.

\_\_\_\_\_ Corporation

\_\_\_\_\_ Subchapter S Corporation

\_\_\_\_\_ Partnership

\_\_\_\_\_ Proprietorship

\_\_\_\_\_ Trust

\_\_\_\_\_ Other? \_\_\_\_\_

5. State of Incorporation \_\_\_\_\_ Date of Incorporation \_\_\_\_\_

6. List all States where you are authorized to do business during the last five years.  
\_\_\_\_\_

7. Name, Address and Phone number of Registered Agent \_\_\_\_\_  
\_\_\_\_\_

8. Names and addresses of principal stockholders. Number of shares owned by each. (If more than 4 shareholders, list only those with 5 percent or more stock ownership.) Total outstanding shares \_\_\_\_\_

	Name	Address	Shares
(1)	_____	_____	_____
(2)	_____	_____	_____

- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

9. (A) Names and addresses of current (and for previous five years) officers and number of shares held by each.

Name	Address	Shares	Term
(1) _____	_____	_____	_____
(2) _____	_____	_____	_____
(3) _____	_____	_____	_____
(4) _____	_____	_____	_____

(B) Names and addresses of current (and for previous five years) members of board of directors and number of shares held by each.

Name	Address	Shares	Term
(1) _____	_____	_____	_____
(2) _____	_____	_____	_____
(3) _____	_____	_____	_____
(4) _____	_____	_____	_____

10. Has this organization ever issued a prospectus for the sale of stock? Yes ( ) No ( ). List date, number, and type of shares for each prospectus during the last five years.

\_\_\_\_\_

11. (A) Registration on national or local stock exchange(s). (Give details, including date of registration and/or delisting).

(1) \_\_\_\_\_  
(2) \_\_\_\_\_

(B) Total authorized (outstanding) shares for each type issued and present market value per share on each type of stock (or book value if not actively traded).

Type of Shares	Total Shares	Book Value	Market Value
(1) _____	_____	_____	_____
(2) _____	_____	_____	_____
(3) _____	_____	_____	_____
(4) _____	_____	_____	_____

(C) Total outstanding shares of each type of stock currently being held as Treasury Stock.

\_\_\_\_\_  
\_\_\_\_\_

(D) Amount of bonded debt and principal bondholders.

\_\_\_\_\_  
\_\_\_\_\_

12. List states and municipalities to which taxes have been paid and/or are being paid. Describe nature and amount of such taxes, state most recent year of payment thereof and whether tax payments are current.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Has this organization filed United States income tax returns for the last five tax years?  
Yes ( ) No ( )

To what I.R.S. Office(s)? \_\_\_\_\_

What years? \_\_\_\_\_

Are Federal taxes current? Yes ( ) No ( )

Provide copies of your income tax returns for the last five tax years.

14. Names and addresses of

(A) Organization's independent certified public accountants

\_\_\_\_\_  
\_\_\_\_\_

(B) Organization attorney(s) retained by organization for the past five years.

\_\_\_\_\_

15. Has this organization filed financial forms with any organization or government entity for any purpose within the past five years? List name of organization or government entity, date, and type of financial form.

16. Does this organization have a Profit and Loss Statement and Balance Sheet for the most recent three months, calendar or fiscal year, **and** for the last five tax years? Submit one copy of each. (Audited Documents are preferred. If Balance Sheets and Income Statements are submitted, answer only questions (3)A, (3)B, and (3)C below).

(1)

Assets	Year	Amount				
Cash	\$					
Securities	\$					
Existing Facilities	\$					
Equipment						
Original Cost	\$					
Depreciation	\$					
Inventory	\$					
Accounts Receivable	\$					
Other	\$					
TOTAL ASSETS	\$					

(2) Liabilities

Year

Loans Payable <sup>1</sup>					
Principal	\$	_____	_____	_____	_____
Monthly Payment	\$	_____	_____	_____	_____
Mortgages <sup>2</sup>					
Principal	\$	_____	_____	_____	_____
Monthly Payment	\$	_____	_____	_____	_____
Accounts Payable	\$	_____	_____	_____	_____
Deferred Taxes	\$	_____	_____	_____	_____
Insurance	\$	_____	_____	_____	_____
Other	\$	_____	_____	_____	_____
<u>Stockholder's Equity</u>					
Common Stock	\$	_____	_____	_____	_____
Paid-in-Capital	\$	_____	_____	_____	_____
Retained Earnings	\$	_____	_____	_____	_____
Total Liabilities and Stockholder's Equity	\$	_____	_____	_____	_____

(3) Income/Expenses

Gross Income					
Net Sales	\$	_____	_____	_____	_____
Interest Income	\$	_____	_____	_____	_____

<sup>1</sup>Complete loan information as requested below under A) Loans Payable.

<sup>2</sup>Complete mortgage information as requested below under B) Mortgages Payable.



Dividends	\$	_____	_____	_____	_____
Other	\$	_____	_____	_____	_____

### Operating Expenses

Wages	\$	_____	_____	_____	_____
Overhead	\$	_____	_____	_____	_____
Lease					
Paymts.	\$	_____	_____	_____	_____
Interest					
Expense	\$	_____	_____	_____	_____
Cost of					
Sales	\$	_____	_____	_____	_____
Net Income	\$	_____	_____	_____	_____

### A. LOANS PAYABLE

	Owed to/Purpose	Term/Interest Rate	Collateral/Cosigner
1)	_____	_____	_____
2)	_____	_____	_____

	Monthly Payments	Original Amount/Date	Present Balance
1)	_____	_____	_____
2)	_____	_____	_____

### B. MORTGAGES PAYABLE

	Address	Term/Interest Rate	Collateral/Cosigner
1)	_____	_____	_____
2)	_____	_____	_____

	Monthly Payments	Original Amount/Date	Present Balance
1)	_____	_____	_____
2)	_____	_____	_____

C. Provide the following firm size information for the past five years:

(1) Number of Employees \_\_\_\_\_

(2) Size of Warehouse \_\_\_\_\_

(3) Number and Size of Shipments \_\_\_\_\_

Attach the additional years documents and information for Question 16 on a separate sheet.

17. Does this organization maintain bank accounts? Provide names and addresses of banks, savings and loan associations, and other such entities, within the United States or located elsewhere. Indicate name and number of accounts and balances.

(A) Name of Bank	Account Number	Balance (Approx.)
_____	_____	_____
_____	_____	_____
_____	_____	_____

(B) Other Account(s)

_____	_____	_____
_____	_____	_____
_____	_____	_____

(C) Savings & Loan Associations or other such entities

_____	_____	_____
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(D) Trust Account(s)

\_\_\_\_\_

(E) Other Account(s)

\_\_\_\_\_

18. List all commercial paper, negotiable or non-negotiable, in which the organization has any interest whatsoever, presently in transit or in the possession of any banking institution. Describe such paper and the organization's interest therein, and state its present location. List all accounts and loans receivable in excess of \$300 and specify if due from an officer, stockholder, or director.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. Has this organization engaged in any Joint Loan Agreements, including Letters of Credit, with any other organization(s)? Describe all such agreements.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20. Does this organization have any debt co-insured by another organization? Describe all such agreements.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

21. List all equity participation in other organizations both domestic and foreign in which this organization has an interest, including the type, amount, and terms of such interest.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

22. List all debt participation in other organizations both domestic and foreign in which this organization has an interest, including the type, amount, and terms of such interest.

23. Is this organization presently:

(A) Active  
(Answer "No" for inactive, but  
still in existence) Yes ( ) No ( )

(B) Void and/or terminated by  
state authority Yes ( ) No ( )

(C) Otherwise dissolved Yes ( ) No ( )

1) Date \_\_\_\_\_

2) By whom \_\_\_\_\_

3) Reason \_\_\_\_\_

24. (A) List corporate salaries to and/or drawings of the following personnel for the last five years:

Position (Including Officers)	Specify Year				
	____	____	____	____	____
President _____	____	____	____	____	____
Chairman/Board _____	____	____	____	____	____
Secretary _____	____	____	____	____	____
Treasurer _____	____	____	____	____	____

(B) List the five most highly compensated employees or officers other than those above, describe their positions, and set forth annual salaries and/or bonuses for the last five years:

Name and Position	Specify Year
1. _____	____
2. _____	____
3. _____	____
4. _____	____
5. _____	____

(C) Describe the nature of the compensation paid to the persons listed in (A) and (B) above and set forth any stock options, pensions, profit sharing, royalties, or other deferred compensation rights of said persons.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

25. List organization's commercial activity (fields of activity resulting in income) and SIC Code.

Commercial Activity	SIC Code
Primary _____	_____
Other _____	_____

26. List all other supplementary fields of activity in which this organization is engaged, either directly or through subsidiaries or affiliates, stating the name(s) and state(s) of incorporation of such subsidiaries or affiliates.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

27. Has this organization at any time been the subject of any proceeding under the provisions of any State Insolvency Law, or the Federal Bankruptcy Act, as amended? If so, supply the following information as to each such proceeding:

(A) Date (Commencement) \_\_\_\_\_

(B) Date (Termination) \_\_\_\_\_

(C) Discharge or other disposition, if any, and operative effect thereof:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(D) State Court \_\_\_\_\_ Federal Court \_\_\_\_\_  
County District

(E) Docket No. \_\_\_\_\_

28. (A) List all Real Estate and Personal Property of an estimated value in excess of \$500.00 owned or under contract to be purchased by this organization and where located:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(B) List and describe all judgments, recorded and unrecorded:

1) Against the organization

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2) In favor of the organization

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (C) List and describe all other encumbrances against Real Estate owned by the organization (including but not limited to mortgages, recorded or unrecorded):

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- (D) List and describe all other encumbrances (including but not limited to Security Interest, whether preferred or not) against any such personal property owned by the organization as is listed in 28(A) above:

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- (E) List and describe location of Real Estate, including Real Estate being purchased under contract, with name and address of Seller and contract price:

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29. List all life insurance, now in force on any or all Officers, Directors, and/or "key" employees, setting forth face amounts, names of life insurance companies, and policy numbers where this organization has an "insurable interest" and/or is paying the premium or part of same. Where applicable, indicate under which policy(ies) this organization is a beneficiary, type of policy(ies), yearly premium, and location of policy(ies). In addition, describe the conditions of and borrowing options available under each policy.

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30. For the following types of policies, list all primary and excess insurance policies, the deductible amount, the per occurrence, and aggregate coverage limit for each policy. List all policies held by the firm (or predecessor firms) starting from the date on which the pollution



incidents began.

**A. Comprehensive General Liability**

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**B. Environmental Impairment Liability**

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**C. Other policies for which coverage might apply, including participation in risk retention pools**

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31. List all transfers of any or all assets, real and/or personal and each (over \$300.00) made by this organization, OTHER THAN IN THE ORDINARY COURSE OF BUSINESS, during the last three (3) calendar years and state to whom the transfer was made. Describe compensation paid by recipient and to whom.

Date	Amount	Property Transferred	To Whom	Conditions of Transfer
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>

32. Is this organization a party in any lawsuit now pending?

Yes ( ) (Give details below) No ( )

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33. Please list names and addresses of any persons or other business entity, holding funds in escrow or in trust for this organization, or any of its subsidiaries or affiliates.

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34. Does this organization have any contracts with any Federal or State Agency. If yes, identify the Agency, Agency point of contact, contract number, terms and accounts receivable.

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35. Other Information Requested: \_\_\_\_\_

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36. Additional Remarks: \_\_\_\_\_

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**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Nick Anoja  
Anoja Recycling, LLC  
1040 S. Oceana Boulevard  
Virginia Beach, VA 23454-6980

*Oceana Salvage*

2. Article Number  
(Transfer from service label)

PS Form 3811, August 2001

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*x David Voorhees*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

DAVID VOORHEES

C. Date of Delivery

11/18

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7000 0520 0025 2485 2607  
Domestic Return Receipt

102595-02/M-1540



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

NOV 03 2006

Mr. Nick Anoja  
Anoja Recycling, LLC  
1040 S. Oceana Boulevard  
Virginia Beach, Virginia 23454-6980

Re: 1040 S. Oceana Boulevard  
Virginia Beach, Virginia

Dear Mr. Anoja:

The U.S. Environmental Protection Agency ("EPA") is seeking information relating to both the liability of Anoja Recycling, LLC and its ability to pay for or perform a cleanup at the Oceana Salvage Site, located at 1040 S. Oceana Boulevard, Virginia Beach, Virginia ("Site" or the "Facility").

For roughly five decades, the Site has been operated as an auto salvage and recycling yard. The Virginia Department of Environmental Quality ("VADEQ") referred the Site to EPA for rededication. EPA conducted sampling at the Site, which shows concentrations of lead above action levels from contamination in waste piles and in the soil on the Site. EPA believes that there is a threat to public health, welfare and the environment due to the threat of release of hazardous substances from the Site. The presence of hazardous substances at the Site and the past, present, and/or potential migration of hazardous substances from the Site constitutes an actual and/or threatened "release" as defined in Section 101(22) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, ("CERCLA"), 42 U.S.C. § 9601(22). The hazardous substances at the Site include, but are not limited to, lead, which is a hazardous substance within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601 (14), and 40 C.F.R. §§ 302.4 and 302.4(b).

Pursuant to the authority of Section 104(e) of CERCLA as amended, 42 U.S.C. § 9604(e), EPA has the authority to require Anoja Recycling, LLC, as the present operator of the Site, to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of its employees or agents, which concern, refer, or relate to the identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at the facility and its ability to pay for or perform a cleanup at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for a party's failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations in response to this information request may subject your company to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Instructions for responding to this required submission of information are provided below.

### INSTRUCTIONS

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure 1, *Business Confidentiality/Claims Disclosure to EPA Contractors & Grantees of Your Response*. You must clearly mark such information by either stamping or using any other form of notice that such information is trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of a question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response insufficient and thus, a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number or letter of the specific question(s) or subpart of the question(s) to which it responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth, or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure 2, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure 2. Those terms shall have the meaning set forth in Enclosure 2 any time such terms are used in this Information Request and/or its Enclosures.

## QUESTIONS

1. Describe your personal involvement with Oceana Salvage, Inc. ("Oceana"). Specifically include:
  - a. any position you have held with Oceana.
  - b. the role(s) you have played in the management of Oceana, including a description of each role and the time held.
  - c. Any compensation that you have received or expect to receive from Oceana.
2. Provide a copy of all lease agreements under which you have operated at the Site.
3. Provide information regarding the operations of Anolia Recycling, LLC that have occurred on the Site. Please include:
  - a. the type of work performed at the site;
  - b. the manufacturing and other industrial processes employed, including lead recovery;
  - c. the types of wastes generated;
  - d. the waste disposal practices used for each substance;
  - e. the precise locations at which hazardous substances were to be disposed or treated both on-Site and off-Site.
  - f. the dates of operation;
  - g. all persons responsible for the day to day business operations for each time period. Provide dates of involvement and the details of responsibilities and actions taken.
4. Explain how batteries, battery casings and/or lead, as well as other recyclable metals and any other hazardous substances have come to be stored and/or disposed of at the Site property. Please include the following:
  - a. documentation of such transactions including the dates such hazardous substance(s) was used, generated, purchased, stored, transported, treated, disposed, or otherwise handled. Please provide copies of all sales, inventory, customer records, and business correspondence relating to all hazardous waste(s) including batteries/lead and the identity of any person involved in such transactions;

- b. the type, size, and condition of the batteries when they arrived at the Site;
  - c. any persons at Anolia Recycling, Oceana Salvage and/or the Department of the Navy with knowledge of such transactions;
  - d. the processes in which the hazardous substance(s) was used, generated, purchased, stored, transported, treated, disposed, or otherwise handled;
  - e. the chemical composition, characteristics, physical state (solid, liquid, or gas) of each such hazardous substance so used, generated, purchased, stored, transported, treated, disposed, or otherwise handled;
  - f. the quantity of each such hazardous substance used, generated, purchased, stored, transported, treated, disposed or otherwise handled;
  - g. the location of all hazardous waste manifests in the possession of Anolia Recycling, LLC;
  - h. the location and contents of any records or documents of Oceana.
5. Describe any actions that have been taken by any party regarding the removal of substances from and/or re-grading or re-covering of the access road leading to the Site (an easement with the Navy).
6. Describe the business relationship, if any, between Oceana and Anolia Recycling, LLC.
7. Explain how and when Anolia Recycling, LLC became the current operator of a business at the Site. Include any statements made to Anolia Recycling, LLC or its agents regarding hazardous waste contamination and/or liability regarding lead or other hazardous contamination of the Site made by the Site owner or Site owner's agent.
8. Describe the arrangement by which Anolia Recycling, LLC uses the name Oceana Salvage, Inc. Include whether permission was granted and whether Anolia Recycling compensates any party for such use.
9. Identify any assets transferred to you personally or to Anolia Recycling, LLC from Oceana Salvage. Identify the type and value of such assets.
10. Please describe and provide records related to all insurance policies held by regarding your operations at the Site. Complete the attachment, Enclosure 5, *Insurance Information Request form*.
11. Complete the attachment, Enclosure 4, *Financial Statement of Corporate Debtor*.



12. Provide the name, title, address, and telephone number of the person(s) responding to these requests for information on behalf of Anolia Recycling, LLC.
13. Provide the name, title, address, and telephone number of all persons with knowledge, information, or documents responsive to (1) through (12) above or knowledge of any other information which may assist the Agency in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. Include the party's name, address, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

You must respond in writing to this required submission of information within **21 calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

All documents and information should be sent to:

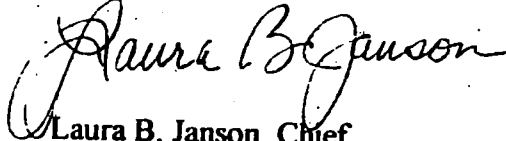
Lawrence H. Richardson, Civil Investigator  
Cost Recovery Branch, Mail Code (3HS62)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Site: Oceana Salvage  
Required Submission of Information  
Page 6

If you have any questions concerning this matter, please contact Lawrence H. Richardson, (215) 814-3289, or have your attorney contact James Van Orden in the Office of Regional Counsel, (215) 814-2693.

Sincerely,



Laura B. Janson, Chief  
Cost Recovery Branch

- Enclosures:
1. Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees
  2. Definitions
  3. List of Contractors That May Review Your Response
  4. Financial Statement of Corporate Debtor
  5. Request for Information about Insurance Coverage

cc: ORC, James Van Orden (3RC42)

# SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mail piece, or on the front if space permits.

1. Article Addressed to:

Mr. Nick Anioia  
Anioia Recycling, LLC  
1040 S. Oceana Blvd.  
Virginia Beach, VA 23454-6980

2. Article Number  
(Transfer from service label)

# COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☒ Addressee  
*Nick Anioia*

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
(If YES, enter delivery address below) ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7004 1160 0007 0186 0296

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1640



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

ORIGINAL

OCT 19 2007

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Nick Anoaia  
Anoaia Recycling, LLC  
1040 S. Oceana Boulevard  
Virginia Beach, VA 23454-6980

**Re: Overdue Response to Letter Requiring Submission of Information,  
Oceana Salvage Site, Virginia Beach, Virginia**

Dear Mr. Anoaia:

On November 3, 2006, the U.S. Environmental Protection Agency (EPA) issued your company, Anoaia Recycling, LLC, a letter (a copy of which is enclosed) requiring your company to provide information and/or documents relating to the above-referenced Site within twenty-one (21) calendar days from your company's receipt of the letter. This letter was issued pursuant to Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e)(2). To date, EPA has not received your company's response.

Your company must fully respond to EPA's November 3, 2006 letter, or justify adequately its failure to respond, within seven (7) calendar days from your receipt of this letter. This seven day period, however, is not to be construed as an extension of the original deadline, and EPA may take enforcement action based upon your company's failure to respond to the initial information request letter in a timely and complete manner. All documents and information should be submitted to:

Leo J. Mullin (3HS62)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Be advised that the provision of false, fictitious or fraudulent statements or representations may subject you to criminal sanctions under 18 U.S.C. § 1001.



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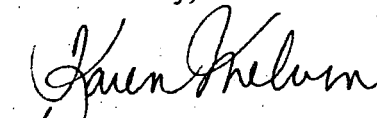
## NOTICE OF POTENTIAL ENFORCEMENT ACTION

EPA hereby advises you that your failure to respond fully and truthfully to each question, or to justify adequately your failure to respond, may subject you to an enforcement action by EPA, pursuant to Section 104(e)(5)(A) of CERCLA, 42 U.S.C. § 9604(e)(5)(A). This section authorizes EPA to issue an order directing compliance with an information request made under the statute "after such notice and opportunity for consultation as is reasonably appropriate under the circumstances." This letter constitutes such notice.

In addition, Section 104(e)(5)(B) of CERCLA, 42 U.S.C. § 9604(e)(5)(B), allows EPA to seek judicial enforcement of an information request and authorizes the federal district courts to assess a civil penalty not to exceed \$32,500 for each day of non-compliance. In recent decisions, courts have assessed significant penalties against parties which had not complied with EPA information requests.

If you have any questions concerning this matter, please contact Leo J. Mullin, Cost Recovery Expert, at (215) 814-3172 or have your attorney contact James Van Orden, Assistant Regional Counsel, at (215) 814-2693.

Sincerely,

  
Laura B. Janson, Chief  
Cost Recovery Branch

Enclosure

cc: James Van Orden, Assistant Regional Counsel  
Leo Mullin, Cost Recovery Expert  
Laura Casillas, On-Scene Coordinator